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PCT

PATENT

Atty. Docket No. 2797 (203-3175 PCT US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Russell Heinrich

Examiner: To be Assigned

Serial No.: 10/510,451

Group Art Unit: To be Assigned

Filed: October 4, 2004

Dated: December 3, 2004

For: **SURGICAL STAPLER AND METHOD**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner. Copies of the cited U.S. patents and published U.S. patent applications are not provided pursuant to the waiver of this requirement under 37 C.F.R. §1.98 for national applications filed after June 30, 2003. Foreign documents are enclosed.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 3, 2004


Francesco Sardone

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- ☒ This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☒ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- ☐ Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(ii).

☐ Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))

☐ Please charge the \$130.00 petition fee to Deposit Account No. 21-0550.

☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).

☐ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 21-0550.

☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor.

TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance.

Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Francesco Sardone', written in a cursive style.

Francesco Sardone

Reg. No. 47,918

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Form PTO-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

Docket Number (Optional)

2797 (203-3175 PCT US)

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TBD**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	2001/0007069	7/5/01	Bombard et al.			
	2003/0089757	5/15/03	Whitman			
	2003/0073982	4/17/03	Whitman			
	6,491,201	12/10/02	Whitman			
	6,488,197	12/3/02	Whitman			
	6,681,979	1/27/04	Whitman			
	6,695,199	2/24/04	Whitman			
	2002/0165562	11/7/02	Grant et al.			
	2002/0156150	10/24/02	Williams			
	2002/0173558	11/21/02	Williams et al.			
	2003/0050590	3/13/03	Kirsch			
	2004/0093029	5/13/04	Zubik et al.			
	5,385,606	1/31/95	Kowanko			
	6,330,965	12/18/01	Milliman et al.			
	6,241,139	6/5/01	Milliman et al.			
	6,488,197	12/3/02	Whitman			
	6,491,201	12/10/02	Whitman			
	4,573,468	3/4/86	Conta et al.			
	5,915,616	6/29/99	Viola et al.			
	6,045,560	4/4/00	McKean et al.			
	6,032,849	3/7/00	Mastri et al.			
	5,964,394	10/12/99	Robertson			

Examiner**Date Considered**

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.



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Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
		5,799,857	9/1/98	Robertson et al.			
		5,735,848	4/7/98	Yates et al.			
		5,876,401	3/2/99	Schulze et al.			
		5,403,312	4/4/95	Yates et al.			
		6,239,190	5/29/01	Wilkinson et al.			
		4,672,969	6/16/87	Dew			
		5,669,934	9/23/97	Sawyer			
		6,250,532	6/26/01	Green et al.			
		5,582,834	12/10/96	Leung et al.			
		5,531,744	7/2/96	Nardella et al.			
		5,624,452	4/29/97	Yates			
		5,624,452	4/29/97	Yates			
		5,599,350	2/4/97	Schulze et al.			
		5,403,312	4/4/95	Yates et al.			
		H1,904	10/3/00	Yates et al.			
		6,024,741	2/15/00	Williamson, IV et al.			
		6,003,517	12/21/99	Sheffield et al.			
		5,833,690	11/10/98	Yates et al.			
		5,810,811	9/22/98	Yates et al.			
		5,807,393	9/15/98	Williamson, IV et al.			
		5,735,848	4/7/98	Yates et al.			
		5,716,366	2/10/98	Yates			

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	5,709,680	1/20/98	Yates et al.			
	6,688,270	11/18/97	Yates et al.			
	5,693,051	12/2/97	Schulze et al.			
	5,755,717	5/26/98	Yates et al.			
	5,817,091	10/6/98	Nardella et al.			
	5,817,093	10/6/98	Williamson, IV et al.			
	5,876,401	3/2/99	Schulze et al.			
	6,165,175	12/26/00	Wampler et al.			
	6,296,640	10/2/01	Wampler et al.			
	6,468,275	10/22/02	Wampler et al.			
	6,485,490	11/26/02	Wampler et al.			
	5,415,159	5/16/95	Ortiz et al.			
	5,417,687	5/23/95	Nardella et al.			
	5,658,279	8/19/97	Nardella et al.			

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FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
	WO 01/62162	8/30/01	PCT				
	WO 01/62158	8/30/01	PCT				
	WO 02/30297	4/18/02	PCT				
	WO 03/088844	10/30/03	PCT				
	WO 03/094743	11/20/03	PCT				
	WO 03/094746	11/20/03	PCT				
	WO 03/105698	12/24/03	PCT				
	0 577 373	1/05/94	EP				
	WO 00/56376	9/28/00	PCT				

OTHER DOCUMENTS

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